

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT COTNER,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-12-1398-M
)	
WARDEN McCOLLUM,)	
)	
Respondent.)	

ORDER

On April 4, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's motion to dismiss writ of habeas corpus be granted, that certain motions be denied as moot, and that all future habeas actions filed in this Court by petitioner be subject to certain filing restrictions. Petitioner was advised of his right to object to the Report and Recommendation by April 22, 2013. Petitioner has filed numerous objections to the Report and Recommendation.

Having reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 23] issued by the Magistrate Judge on April 4, 2013;
- (2) GRANTS respondent's motion to dismiss writ of habeas corpus [docket no. 12];
- (3) DENIES petitioner's motion to compel [docket no. 15], motion for directed verdict [docket no. 20], and motion for reconsideration [docket no. 21] as MOOT;
- (4) DISMISSES petitioner's petition for a writ of habeas corpus; and
- (5) IMPOSES the following filing restrictions on all future habeas actions filed in this Court by petitioner:

- (a) Robert Cotner must present all future habeas petitions, whether filed under § 2254 or § 2241, upon the form petition provided for such use in this District. No additional pages shall be attached or inserted.
- (b) All future petitions must include a signed and sworn attachment listing every petition or other application for post-conviction relief filed by Mr. Cotner in this or any other court of law or equity (whether state or federal). Each case must be listed in the following manner: by style (title) of the case, docket number, court, date filed, description of the case, and disposition and date thereof; and
- (c) All of Mr. Cotner's petitions must include an affidavit (1) citing to this Order imposing these filing restrictions; (2) stating affirmatively that he has complied with all filing restrictions; and (3) concluding with a paragraph that Mr. Cotner has signed the petition, the list of prior litigation, and the affidavit "In Accordance with Rule 11 of the Federal Rules of Civil Procedure, in full acknowledgment of the representations that are being made to the Court thereby."

IT IS SO ORDERED this 25th day of April, 2013.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE